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MICRON TECHNOLOGY, INC.				
LINITED STATES	DISTRICT COURT			
NORTHERN DISTRI	CT OF CALIFORNIA			
SAN FRANCI	SCO DIVISION			
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MLC INTELLECTUAL PROPERTY, LLC,	Case No. 3:14-cv-03657-SI			
Plaintiff,				
v.	DEFENDANT MICRON TECHNOLOGY INC.'S [PROPOSED] VERDICT FORM			
MICRON TECHNOLOGY, INC.,				
Defendant.	Date: August 12, 2019			
	Ctrm: 1, 17 <sup>th</sup> Floor Judge: Honorable Susan Illston			
	Timothy W. Riffe (Admitted Pro Hac Vice / riffe Adam R. Shartzer (Admitted Pro Hac Vice / shart R. Andrew Schwentker (Admitted Pro Hac Vice / FISH & RICHARDSON P.C. 1000 Maine Avenue, S.W., Suite 1000 Washington, DC 20024 Tel: (202) 783-5070 Fax: (202) 783-2331 Attorneys for Defendant MICRON TECHNOLOGY, INC.  UNITED STATES NORTHERN DISTRISAN FRANCISCOMMENT OF STATES NORTHERN DISTRISAN FRANCISCOMMENT OF STATES SAN FRANCISCOMMENT OF SAN FRANCISCOMMENT OF SAN FRANCISCOMMENT OF S			

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1	Micron Technology Inc. respectfully subi	mits the following Proposed Verdict Form
2	attached hereto as Exhibit A.	
3		
4	Dated: June 21, 2019	Respectfully submitted,
5		FISH & RICHARDSON P.C.
6		D (//AI DGI
7		By: <u>/s/ Adam R Shartzer</u> Adam R. Shartzer
8		Attorneys for Defendant MICRON TECHNOLOGY, INC.
9		MICRON TECHNOLOGI, INC.
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## EXHIBIT A

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### **VERDICT FORM**

When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this court as our verdict in this case.

1	I.	FIN	DINGS ON	MLC's INFRINC	GEMENT CLAI	M	
<ul><li>2</li><li>3</li><li>4</li><li>5</li></ul>	claim 3	0 of	the '571 pate	nt is included in N	Micron's accused	han not that every reproducts? (An answer favor of Micron.)	
6 7		a.	Claim 30:	YES		NO	
8		a. ·	Claim 50.	115		110	
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1	II. FI	NDINGS ON	MICRON'S INVAL	DITY COUNTERCLAIMS	
2	(Each of questions 2, 3, and 4 regarding invalidity must be answered regardless of your findings				
3	with respe	ect to infringen	nent.)		
4					
5	A.	Written	Description Requiren	nent	
6					
7	Qı	uestion 2: Has	Micron proven that it	is highly probable that the specification of the '57	1
8	patent doe	es not contain a	an adequate written des	scription of each of the following claims? (An	
9	answer of	"YES" is a fir	nding in favor of Micro	n. An answer of "NO" is a finding in favor of	
10	MLC.)				
11					
12	a.	Claim 1:	YES	NO	
13	b.	Claim 9:	YES	NO	
14	c.	Claim 12:	YES	NO	
15	d.	Claim 30:	YES	NO	
16	e.	Claim 42:	YES	NO	
17	f.	Claim 45:	YES	NO	
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### В. **Enablement** 1 2 Question 3: Has Micron proven that it is highly probable that the specification of the '571 3 patent does not contain a description of the claimed invention that is sufficiently full and clear to 4 enable persons of ordinary skill in the field to make and use the invention of each of the following 5 claims? (An answer of "YES" is a finding in favor of Micron. An answer of "NO" is a finding in 6 favor of MLC.) 7 8 YES \_\_\_\_\_ NO \_\_\_\_\_ a. Claim 1: 9 YES NO \_\_\_\_\_ b. Claim 9: 10 Claim 12: YES \_\_\_\_\_ NO \_\_\_\_\_ 11 YES \_\_\_\_\_ d. Claim 30: NO \_\_\_\_\_ 12 e. Claim 42: YES NO 13 YES \_\_\_\_\_ f. Claim 45: NO \_\_\_\_\_ 14 15 C. **Obviousness** 16 17 **Question 4:** Has Micron proven that it is highly probable that the following claims of the 18 '571 patent are invalid as obvious? (An answer of "YES" is a finding in favor of Micron. An 19 answer of "NO" is a finding in favor of MLC.) 20 21 NO \_\_\_\_\_ YES Claim 1: 22 YES \_\_\_\_\_ b. Claim 9: NO \_\_\_\_\_ 23 c. Claim 12: YES NO 24 d. Claim 30: YES \_\_\_\_\_ NO \_\_\_\_\_ 25 e. Claim 42: YES \_\_\_\_\_ NO \_\_\_\_\_ 26 YES f. Claim 45: NO 27

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1	III. FI	NDINGS ON MI	CRON'S NON-IN	NFRINGEMENT COUNTERCLAIMS	
2	(Question 5 must be answered, regardless of your findings as to Questions 1, 2, 3, and 4)				
3					
4	<u>Qı</u>	uestion 5: Is Micro	on entitled to judgi	ment of non-infringement based on MLC's failure	to
5	provide su	ifficient evidence	to prove that it is n	nore likely than not that every requirement of	
6	following claims of the '571 patent is included in Micron's accused products? (An answer of				
7	"YES" is	a finding in favor	of Micron. An ans	swer of "NO" is a finding in favor of MLC.)	
8					
9	a.	Claim 1:	YES	NO	
10	b.	Claim 9:	YES	NO	
11	c.	Claim 12:	YES	NO	
12	d.	Claim 30:	YES	NO	
13	e.	Claim 42:	YES	NO	
14	f.	Claim 45:	YES	NO	
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1	If you answered "YES" to Question 1 AND you answered "NO" to each of Questions 2.d.,				
2	3.d., and 4.d., only then should you proceed to answer Questions 6, 7, 8, and 9 below.				
3	Otherwise, do not answer Questions 6, 7, 8, and 9.				
4					
5	IV. FINDINGS ON ACTUAL NOTICE				
6					
7	Question 6(a): Has MLC proven by a preponderance of evidence that Micron was on				
8	actual notice of infringement by specific accused products as of August 12, 2008? (An answer of				
9	"YES" is a finding in favor of MLC. An answer of "NO" is a finding in favor of Micron.)				
10	YES NO				
11					
12	Question 6(b): If you answered "YES" for Question 6(a), then for which specific accused				
13	products was Micron on actual notice of infringement based on the 2006-2008 letters? (Leave				
14	blank if you answered "NO" for Question 6(a).)				
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20	(if additional lines are needed, they will be provided upon your request)				
21					
22	Ouestion 7(a): Has MLC proven by a preponderance of evidence that Micron received a				
23	letter from Mr. Muir and that such letter put Micron on actual notice of infringement by specific				
24	accused products? (An answer of "YES" is a finding in favor of MLC. An answer of "NO" is a				
25	finding in favor of Micron.)				
26					
27	YES NO				
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1	Question 7(b): If you answered "YES" to Question 7(a), by what date do you find that the
2	evidence proves that Micron received the letter from Mr. Muir?
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4	
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6	Question 7(c): If you answered "YES" for Question 7(a), then for which specific accused
7	products was Micron on actual notice of infringement based on the letter? (Leave blank if you
8	answered "NO" for Question 7(a).)
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14	(if additional lines are needed, they will be provided upon your request)
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16	<b>Question 8:</b> Has MLC proven by a preponderance of evidence that its Complaint put
17	Micron on actual notice of infringement for accused products whose Marketing Part Numbers
18	MLC did not list in its Complaint? (An answer of "YES" is a finding in favor of MLC. An
19	answer of "NO" is a finding in favor of Micron.)
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21	YES NO
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1	V. FINDINGS ON DAMAGES	
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3	Question 9: What amount has MLC proven that it is more likely than not entitled to	
4	recover in compensation for Micron's infringement as a reasonable royalty?	
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6	\$ through June 9, 2015.	
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8	Indicate the royalty rate you applied to arrive at the amount you identified above:%	١.
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1	You have now reached the end of the verdict form and should review it to ensure it accurately
2	reflects your unanimous determinations. The Presiding Juror should then sign and date the verdict
3	form in the spaces below and notify the Courtroom Deputy that you have reached a verdict. The
4	Presiding Juror should retain possession of the verdict form and bring it when the jury is brought
5	back into the courtroom.
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8	Date: By:
9	Presiding Juror
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